

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

____ Division

Justice mayes Smith

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Resurgent Capital Services
L.P.
LVNU Funding LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

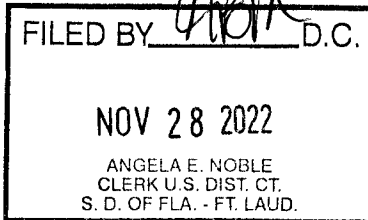
Jury Trial: (check one)



Yes



No



COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Justice mayes Smith
P.O. Box 4123
Deerfield Beach, Broward
Florida 33442
754 265 1992
Justicemayes97@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name Resurgent Capital Services L.P.
Job or Title (if known) Debt Collection Collector
Street Address 55 Beattie Place Suite 110 MS 250
City and County Greenville, SC ~~29601~~
State and Zip Code South Carolina 29601
Telephone Number Unknown
E-mail Address (if known) unknown

Defendant No. 2

Name ~~LA~~ LNUV Funding LLC
Job or Title (if known) Debt Collector
Street Address 6801 S. Cimarron Road Suite 424J
City and County Las Vegas
State and Zip Code Nevada 89113
Telephone Number Unknown
E-mail Address (if known) Unknown

Defendant No. 3

Name N/A
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name N/A
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. *et seq.*

15 USC 1692 Fair debt collection practices act
15 USC 1681 Fair et seq. Fair credit reporting act

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) _____, is a citizen of the
 State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
 under the laws of the State of (name) _____,
 and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of
 the State of (name) _____. Or is a citizen of
 (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Both defendants has failed to send verification of the alleged debt violating 15 USC 1692g(b). I have demanded they cease and desist in accordance with 15 USC 1692c which they have failed to do. Instead of complying with public Federal laws Both defendants has caused defamation of Character by reporting false and misleading information to the consumer reporting agencies. See attached documents and exhibits.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am praying for \$430,000 in actual damages for consumer injury, Punitive damages for willful negligence and defamation of Character, Declaratory relief for my right to demand cease and desist pursuant to 15 USC 1692c and declaratory relief for my right to receive a copy of verification pursuant to 15 USC 1692g(b), and Injunction relief for removal of my private personal identifying information from their system/data. 15 USC 1692k(a), 15 USC 1681n, 15 USC 1681o, Any other relief the court allows.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

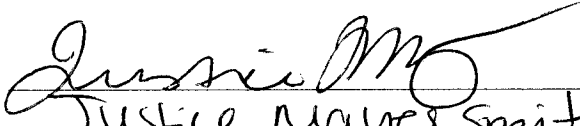
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/28/2022

Signature of Plaintiff

Printed Name of Plaintiff


Justice Mayes Smith

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

CONSUMER ADMINISTRATIVE ENFORCEMENT

November 28, 2022

Justice Mayes Smith
P.O. BOX 4123
DEERFIELD BEACH FL, 33442

Resurgent Capital Services L.P.
“LVNV Funding LLC”
55 Beattie Place, Suite 110 MS 250
Greenville, SC 29601

CERTIFIED MAIL 70221670000167863853

Response to Letter dated October 26, 2022

To Whom It May Concern:

This is your second notice to cease and desist communication about this alleged debt to any person directly and indirectly. On August 11, 2022 I responded to your email that alleged I owed a debt of \$1733.23 In my “Notice of dispute” (exhibit A), I demanded documentary evidence and verification of this alleged debt which you have failed to provide. I also demanded that you cease and desist communication with the consumer reporting agencies, instead of honoring this demand, you have knowingly communicated with the consumer reporting agencies with false information stating that I owe a debt of \$1733.23 when you have yet to provide verification.

As soon as I filed a Consumer Financial Protection complaint (exhibit B) you took adverse action by causing defamation of character and knowingly ruining my reputation with information that is false and misleading. Even after you completely ignored my first cease and desist from my email written August 11, 2022, In your response (exhibit C1-C2) dated October 6, 2022 you stated “Justice Mayes Smith’s September 22, 2022 inquiry contains a request to cease communication. We have therefore placed a restriction on the Account so that **our office initiates no further contact** with the customer, except to respond to specific requests.” You have in fact knowingly communicated with the consumer reporting agencies about this alleged debt that has not been verified.

You are obligated to cease and desist the collection of this alleged debt pursuant to 15 usc 1692g(b) until you obtain verification of the alleged debt or a copy of a judgment, or the name and address of the original creditor, **and a copy** of such verification or judgment, or name and address of the original creditor, is mailed to me the consumer, by you the debt collector.

Verification means “A declaration swearing that statements made in a document are true. Depending on the jurisdiction, verifications are either made under oath or in the presence of a notary public or similarly authorized person. Verifications are traditionally attached to the end of all pleadings that are required to be sworn. Also called affidavit of verification. “ There was no verification provided from you. Statements are not verification of debt and you are

constantly being deceptive providing these forms that has been copied and no validity behind them.

You have not received my direct consent to communicate with me, I never promised to pay you, you have failed to provide a copy of verification of the name and address of the original creditor, I never gave you permission to obtain to my private personal identifying information and to open a fraudulent account with your company and call me a “customer” when I have not filed an application to obtain an account with you. You received no authority from me to obtain my private identifying information.

This has all been done without my consent and is an act committed under title 18 specifically:

18 usc 1028A – Aggravated Identity Theft (Obtained my personal Identifying information under false pretense)

18 usc 894 – Collection of extensions of credit by extortionate means (attempting to collect by extortionate means)

18 usc 1341- Mail Fraud (provided deceptive forms)

18 usc 1344- Bank Fraud (Obtained money, credits by false pretenses, misrepresentation, and false promises)

Please answer the following questions (“you” refers to Resurgent Capital Services L.P. And LVNV Funding LLC”):

- 1.) Who gave you consent to communicate with me directly and indirectly? Please attach your response under oath.
- 2.) If “WebBank” is the alleged creditor, who is the original creditor? (LVNV funding llc and Resurgent cannot be a creditor) Please attach your response under oath.
- 3.) Were you present during the consumer credit transaction? Please attach your response under oath.
- 4.) Do you have any prima facie evidence how this alleged debt came about? Please attach your response under oath.
- 5.) How are you making a claim for payment when you have not been injured? Please attach your response under oath.
- 6.) Are you entitled to collect on this alleged debt? Please attach your response under oath.
- 7.) What rights by law gives you (Resurgent Capital Services L.P. and LVNV Funding LLC) lawful rights to purchase my private identifying information? Please attach your response under oath.
- 8.) Do you have any prima facie evidence on any transactions that added up to the amount you alleged that is owed? Please attach your response under oath.

- 9.) Who gave you the authority to open up an account using my private identifying information with your company? Please attach your response under oath.
- 10.) You stated in exhibit C1 "With its purchase of the Account, the Current Owner acquired all ownership rights, including the rights to collect on the Account and to report to the credit bureaus, if eligible" What document gave you ownership rights? Please attach your response under oath.
- 11.) How did you determine that I was allegedly eligible for "credit reporting" even after a notice to cease and desist of such communication on August 11, 2022? Please attach your response under oath.
- 12.) How did you receive lawful rights to collect on an alleged debt that has been claimed on the alleged creditors taxes? Please attach your response oath.
- 13.) In exhibit C1 you stated "Resurgent does not condone harassment or unprofessional communication with customers, as it is our goal to adhere to all state and federal laws and regulations concerning the collection of debts. Accordingly, we expect the same of the servicers collecting on our behalf." Who are the "servicers" collecting on your behalf? Please attach your response under oath.

This is my last and final attempt for you to make things right in good faith. You have caused emotional distress, defamation of character, consumer injury and substantial harm. For this I am demanding the following:

Monetary relief for \$10,000 from both Resurgent Capital Services L.P. and LVNV Funding LLC.

\$5,000 for EACH failure to comply with my consumer rights violated In affidavit attached, pursuant to 15 usc 1692k(a) which states "any" actual damage sustained.

\$50,000 for EACH failure to comply with my consumer rights violated In affidavit attached, pursuant to 15 usc 1681o which states "any" actual damage sustained.

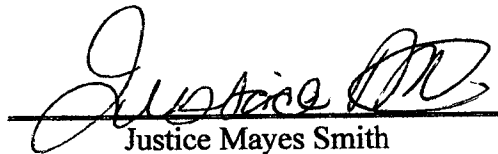
\$50,000 for EACH failure to comply with my consumer rights violated In affidavit attached, pursuant to 15 usc 1681n which states "any" actual damage sustained.

Removal of this alleged debt from my consumer report.

Verification of removal of my private personal identifying information from both companies data base.

Verification of removal of this alleged debt.

You have until December 12, 2022 to respond to this letter, questions herein and affidavit enclosed.


Justice Mayes Smith
Justicemays97@gmail.com

Enclosed:
Affidavit of fact
Exhibits
Invoice

CONSUMER ADMINISTRATIVE ENFORCEMENT

November 28, 2022

Justice Mayes Smith
P.O. BOX 4123
DEERFIELD BEACH FL, 33442

Resurgent Capital Services L.P.
LVNV Funding LLC
55 Beattie Place, Suite 110 MS 250
Greenville, SC 29601

CERTIFIED MAIL 70221670000167863853

AFFIDAVIT OF FACT

I Justice Mayes Smith am of the age of maturity to make this affidavit with facts.

I Justice Mayes Smith am mentally competent to make this affidavit of fact.

I Justice Mayes Smith am a consumer natural person pursuant to 15 usc 1692a(3).

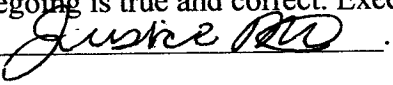
I Justice Mayes Smith have prima facie knowledge in this affidavit.

This sworn affidavit is made under penalty of perjury and must be responded to by a sworn counter affidavit or it will stand as an undisputed fact as a matter of law.

1. Resurgent Capital Services L.P. is a corporation who was assigned by LVNV Funding LLC to collect an alleged debt.
2. LVNV Funding LLC is a corporation who "purchased" an account from alleged creditor "WebBank".
3. Resurgent Capital Services L.P. and LVNV Funding LLC are debt collectors.
4. The alleged debt is the subject of personal, family, household purposes.
5. I have never done business with Resurgent Capital Services L.P. and LVNV Funding LLC.
6. Resurgent Capital Services L.P. and LVNV Funding LLC have failed to provide verification of the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to me the consumer by you the debt collector. Failing to provide a copy of verification is a violation of 15 usc 1692g(b).

7. Resurgent Capital Services L.P. and LVNV Funding LLC have obtained my private identifying information without direct consent in violation of my right to privacy pursuant to 15 usc 1692(a). They have also opened up an account with their company using my private identifying information (see attached exhibits). My private information was used to create the false believe that I applied, obtained, and used their services when I have never done business with these corporations.
8. I have not given Resurgent Capital Services L.P. and LVNV Funding LLC direct consent to communicate with me directly or indirectly. This violates 15 usc 1692c(a).
9. Resurgent Capital Services L.P. and LVNV Funding LLC was told to cease and desist on August 11, 2022 which they have failed to do and is in violation of 15 usc 1692c(b)(c).
10. Resurgent Capital Services L.P. and LVNV Funding LLC are using criminal means to collect on this allege debt as stated in the letter attached with this affidavit of fact, violating 15 usc 1692d(1).
11. Resurgent Capital Services L.P. and LVNV Funding LLC is using the false representation of the character, amount, or legal status of the alleged debt as this alleged debt was claimed on the alleged creditor taxes as a "charge-off" when there was no verification provided that states that this alleged debt is in fact valid. This violates 15 usc 1692e(2)(a).
12. Resurgent Capital Services L.P. and LVNV Funding LLC was told to cease and desist the collection of this alleged debt to any person, instead they are reporting this alleged debt on my consumer report committing acts of defamation of character and ruining my reputation by reporting false information to the consumer reporting agencies violating 15 usc 1692e(8). (See exhibit E)
13. Resurgent Capital Services L.P. and LVNV Funding LLC have used deceptive means to collect on this alleged debt by providing deceptive forms as "verification". These statements are not verification of the alleged debt and there is no validity behind these statements that are copied violating 15 usc 1692e(10). (See exhibit C3 and C4)
14. Resurgent Capital Services L.P. and LVNV Funding LLC is using unfair and unconscionable means to collect on this alleged debt without an expressed agreement creating the alleged debt neither is it permitted by law violating 15 uc 1692f(1) I have not promised to pay these corporations.
15. Resurgent Capital Services L.P. and LVNV Funding LLC has provided deceptive forms (statements) giving me the false belief that "Fingerhut" is collecting this alleged debt. The deceptive forms that have been provided are listed in the name of "Fingerhut", Resurgent Capital Services L.P. and LVNV Funding LLC is attempting to collect on this alleged debt when "Fingerhut" is not participating in the collection of this alleged debt. This violates 15 usc 1692j(a).

16. Resurgent Capital Services L.P. and LVNV Funding LLC have failed to initiate a reasonable investigation for this alleged debt. On October 25, 2022 (exhibit H1) Resurgent Capital Services L.P. has written a correspondence "and has initiated a review of inquiry recently received". On October 26, 2022 (exhibit H2) Resurgent Capital Services L.P. has written another correspondence and has stated "We have received a recent inquiry regarding the above-referenced account and have enclosed the account summary which provides verification of debt." Resurgent Capital Services L.P. has "investigate" in one day and all they have provided were the same information as before which was an alleged statement from "Fingerhut" and material misrepresentation statement they have created in their system. Violates 15 usc 1681i(a)(1)(a) and 15 usc 1681s-2(b)(1) (duties of furnishers of information upon notice of dispute).

Pursuant to 28 USC 1746 I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 28, 2022 by Justice Mayes Smith .

Enclosed:
Response to letter dated October 26, 2022
Exhibits
Invoice

Invoice

Bill To: Resurgent Capital Services L.P. and LVNV Funding
 LLC
 55 Beattie Place, Suite 110 MS 250
 Greenville, SC 29601

Invoice No: 101
Date: 11/28/2022
Due Date: 12/12/2022

Description	Quantity	Rate	Amount
Violation 15 usc 1692g(b)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692(a)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692c(a)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692c(b)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692c(c)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692d(1)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692e(2)(a)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692e(8)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692e(10)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692f(1)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1692j(a)	2	\$5,000.00	\$10,000.00
Violation 15 usc 1681i(a)(1)(a)	2	\$50,000.00	\$100,000.00

Invoice - 11/28/2022

Description	Quantity	Rate	Amount
Violation 15 usc 1681s-2(b)(1)	2	\$50,000.00	\$100,000.00
Violation 15 usc 1681e(b)	2	\$50,000.00	\$100,000.00
Monetary relief	2	\$10,000.00	\$20,000.00

Subtotal	\$430,000.00
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Total	\$430,000.00
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Paid	\$0.00
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Balance Due	\$430,000.00
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Comments

15 usc 1692k

15 usc 1681o

15 usc 1681n